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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,810	03/06/2002	Robert L. Miller II	01-2122.01	8404
24504 7590 12/14/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994			EXAMINER TRUONG, LAN DAI T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,810

Applicant(s)

MILLER ET AL.

Examiner

Lan-Dai Thi Truong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/04/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is response to communications: application, filed 06/05/2002; amendment filed 10/04/2007. Claims 29-34 are pending; claims 29-30 are added; claims 1-28 are canceled

2. Applicant's arguments filed 10/04/2007 have been fully considered, but ~~now added~~ ~~claims are~~ moot in view of the new ground(s) of rejection.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-34 are rejected under 35 U.S.C 103(a) as being un-patentable over Doi et al. (U.S. 6,970,919) in view of Carcerano et al. (U.S. 6,308,205) and further in view of Singh (U.S. 6,308,206)

Regarding claim 29:

Doi discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for communication system, comprising:

A plurality of network elements, each of network element coupled to a respective subscriber line extending from a respective field office of a communication network to a respective customer premise and configured to control communication occurring on the respective subscriber line: (in Doi's system, the network-management system is capable to control / and set up configurations for network elements those connected via link and provides services (e.g. VOD service, audio service, IP service); each of network element has it own configuration view/GUI that presented to a user/ administrator to allow the network element to be controlled: column 4, lines 35-43; column 2, lines 39-52; figure 23; column 2, lines 9-13; column 1, lines 6-10; column 2, lines 27-39)

the first client configured to receive a user input for selecting one of the network elements /or a network element type: (the network administrator/ or service administrator selects one of views from a presented list of views so that the logical configuration/ and physical configuration for selected network element is shown on a display screen: column 4, lines 44-50; column 10, lines 27-67; column 6, lines 47-57)

an element management system (EMS): (In Doi's system, "GUI/or configuration view" which is equivalent to element management system as claimed, comprising:

memory for storing sets of graphical user interface (GUI) code, each set of GUI code associated with a respective network element: (Doi's network configuration system includes database that stores numbers of views/ GUIs contain network configuration conditions those can be selected by using pull-down/ for icons tools: column 4, lines 35-45; column 2, lines 39-52;

figure 23; column 4, lines 44-55; column 10, lines 27-67; column 6, lines 47-57; column 1, lines 50-56; abstract; figure 20; figure 13; figure 15A; column 2, lines 27-67)

a system controller configured to select one of sets of GUI code in response to the user input based on the network element type associated with selected set of GUI code, the system further configured to transmit the selected set of GUI code to the first client during a first communication session between the EMS and the first client: (as similar to discussions above, the network administrator/ or service administrator selects one of views from a presented list of views so that the logical configuration/ and physical configuration for the selected network element is shown on a display screen: Doi: column 4, lines 35-50; column 10, lines 27-67; column 6, lines 47-57; column 2, lines 39-52; figure 23)

However, Doi does not explicitly disclose receiving the provision template from the first client during the first communication session; enabling a user to establish a provision template, the provision template having a plurality of control values, each of the control values indicate of how the user of the client has specified a respective network element attribute is to be provision

In analogous art, Carcerano discloses a system for remotely viewing and updating configurations of network devices. More particularly, the invention is directed toward a system that allows such viewing and updating of configuration from a remote network site using a web browser; the system includes templates those are used to receive "the update configuration parameters/control data" which is equivalent to "control values" those are input/ selected by remote network users: figure 9; column 1, lines 10-15; abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

storing the provision template in the memory: (in Carcerano's system, templates are stored in management server database: figure 9; column 1, lines 10-15; abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

However, Doi- Carcerano does not explicitly disclose associating the provision template with an identifier identifying the provision template, and store the provision template in the memory

In analogous art, Singh discloses a retrievable HTML configuration template is created. The retrievable HTML configuration template includes a template file name which used as identifier for retrieving process: column 1, lines 52-67; column 2, lines 41-52; column 3, lines 26-48)

a plurality of clients remotely located from the network elements, the plurality of clients including at least a first client and a second client; receives a request from the second client during a second communication session between the EMS and the second client: (the Singh's configuration system can be implemented over through Internet through communications between a HTML server and network clients. It would obvious to one of ordinary skill in the art knows, Internet services should be able to service for multiple network clients: column 1, lines 52-56, 30-36)

the system controller further configured to retrieve the provision template based on the identifier and to automatically provision in response to the request: (In Singh system, the stored HTML configuration template can be retrieved from HTML server in response to the client request: column 1, lines 52-67; column 2, lines 41-52; column 3, lines 26-48)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Carcerano's ideas of using configuration template for remotely viewing and updating configurations with Singh's ideas of retrieving stored configuration template for subsequent communication sessions into Doi's system in order to provide an efficient network configuration system, see (column 2, lines 12-34)

Regarding claim 32:

Doi discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for using in a communication system, comprising:

storing sets of graphical user interface (GUI) code, each set of GUI code; associating each set of GUI with a respective network element: (Doi's network configuration system includes database stores numbers of views/ GUIs those contain network configuration conditions those can be selected by using pull-down/ for icons tools: column 4, lines 44-55; column 10, lines 27-67; column 6, lines 47-57; column 1, lines 50-56; abstract; figure 20; figure 13; figure 15A; column 2, lines 27-67)

receiving a user input for selecting one of the network elements or a network element type: (the network administrator/ or service administrator selects one of views from a presented list of views so that the logical configuration/ and physical configuration for the selected network element is shown on a display screen: column 4, lines 44-50; column 10, lines 27-67; column 6, lines 47-57)

selecting one of sets of GUI code in response to the user input based on the network element type associated with selected set of GUI code; transmitting the selected set of GUI code

to the first client during a first communication session: (as similar to discussions above, the network administrator/ or service administrator selects one of views from a presented list of views so that the logical configuration/ and physical configuration for the selected network element is shown on a display screen: Doi: column 4, lines 35-50; column 10, lines 27-67; column 6, lines 47-57; column 2, lines 39-52; figure 23)

However, Doi does not explicitly disclose enabling a user to establish a provision template, the provision template having a plurality of control values, each of the control values indicate of how the user of the client has specified a respective network element attribute is to be provision

In analogous art, Carcerano discloses a system for remotely viewing and updating configurations of network devices. More particularly, the invention is directed toward a system that allows such viewing and updating of configuration from a remote network site using a web browser; the system includes templates those are used to receive "the update configuration parameters/control data" which is equivalent to "control values" those are input/ selected by remote network users: figure 9; column 1, lines 10-15; abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

storing the provision template in the memory: (in Carcerano's system, templates are stored in management server database: figure 9; column 1, lines 10-15; abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

However, Doi- Carcerano does not explicitly disclose associating the provision template with an identifier identifying the provision template

In analogous art, Singh discloses a retrievable HTML configuration template is created. The retrievable HTML configuration template includes a template file name which used as identifier for retrieving process: column 1, lines 52-67; column 2, lines 41-52; column 3, lines 26-48)

receiving a request from the second client during a second communication session between the EMS and the second client: (in Singh system, system's configuration can be implemented over Internet through communications between HTML server and network clients. It would obvious to one of ordinary skill in the art knows, Internet services should be able to service for multiple clients: column 1, lines 52-56, 30-36)

retrieving the provision template based on the identifier and to automatically provision in response to the request: (In Singh system, the stored HTML configuration template can be retrieved from HTML server in response to the client request: column 1, lines 52-67; column 2, lines 41-52; column 3, lines 26-48)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Carcerano's ideas of using configuration template for process remotely viewing and updating configurations with Singh's ideas of retrieving stored configuration template for subsequent communication sessions into Doi's system in order to provide an efficient network configuration system, see (column 2, lines 12-34)

Regarding claim 30:

In addition to rejection in claim 29, Doi-Carcerano-Singh further discloses the system controller is configured to provision the network element identified by the request by transmitting each of control values to each of the network element: (Carcerano discloses the system includes templates those are used to receive “the update configuration parameters/control data” which is equivalent to “control values” those are input/ selected by remote network users: figure 9; column 1, lines 10-15; abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

Regarding claim 33:

This claim is rejected under rationale of claim 30

Regarding claim 31:

In addition to rejection in claim 29, Doi-Carcerano-Singh further discloses the system controller is configure to automatically provision, in response to the request, each of the plurality of network elements identified by the request without transmitting the control values of the provision template to the second client during the second communication session: (In Singh system, the stored HTML configuration template is automatically retrieved from HTML server in response to the client request: abstract; column 1, lines 52-67; column 2, lines 41-52; column 3, lines 26-48)

Regarding claim 34:

This claim is rejected under rationale of claim 31

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "element management system and method utilizing provision templates":
6377956; 5608859; 6286043

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12/11/2007


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12/13/7